

GAHC010154052023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./2459/2023

NITA TANTI
W/O SANJAY TANTI
R/O HEBEDA TEA ESTATE
P.O.AND P.S. MAKUM
DIST. TINSUKIA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS P BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

24.07.2023

Heard Ms. P. Borah, learned counsel for the accused-petitioner and Ms. N. Das, learned Addl. PP for the State.

2. This bail application has been filed by the petitioner, namely, **Smti. Nita Tanti**, praying for bail in connection with Makum P.S. Case No. 52/2023 under

Sections 341/147/149/342/302 of the IPC.

3. The learned counsel for the accused-petitioner submits that an FIR dated 25.04.2023 was lodged by the informant one Milan Moran alleging that his son Pranjal Moran was restrained at Makum Hebera Line by the FIR named accused persons including the petitioner. He was assaulted by them and subsequently murdered by confining him inside a car. When he was taken for treatment, the doctors of Tinsukia Civil Hospital declared him dead. The said FIR was registered as the aforesaid case. During investigation, the petitioner was arrested and has been in custody since the date of arrest.

4. The petitioner had earlier filed a bail petition being B.A. No. 2103/2023 and this Court by order dated 15.06.2023 had rejected the prayer for grant of bail.

5. The learned counsel for the petitioner submits that the petitioner ought to be released on default bail as her rights have accrued under Section 167 Cr.P.C for being released on bail as the mandatory period prescribed is over. The petitioner is in custody since her date of arrest which is 26.04.2023.

6. The learned counsels for the parties have been heard. The bail application has also been perused.

7. The matter has been under investigation and charge-sheet has not been filed yet. The accused-petitioner has been in custody since her date of arrest which is 26.04.2023.

8. The learned Addl. PP was requested to obtain instructions as to the progress of the investigation carried on. The learned Addl. PP upon instructions has informed the Court that the charge-sheet in the matter has not yet been filed as the matter is under investigation. The prayer for bail has not been

objected to by the learned Addl. PP.

9. Although this Court upon hearing the matter had dictated an order granting default bail to the petitioner upon due consideration of the submissions made by the learned counsel for the petitioner as well as by the learned Addl. Public Prosecutor, subsequently, upon perusal of the bail petition, it was noticed that the mandatory period prescribed under Section 167 Cr.P.C. is not yet over, if the same is counted from the date when the petitioner was arrested which is 26.04.2023. However, considering the progress of the investigation carried on and as no charge-sheet has yet been filed by the Investigating Officer as informed by the learned Addl. PP and also considering the length of detention undergone, this Court is of the view that further custodial detention of the petitioner does not appear to be necessary in connection with the Makum PS Case No. 52/2023.

10. Accordingly, the accused-petitioner, named above, shall be released on bail in connection with the aforementioned case, on furnishing a bail bond of Rs. **30,000/-** (Rupees Thirty Thousand Only) with one local surety of like amount to the satisfaction of the Court of Chief Judicial Magistrate, Tinsukia, subject, of course, to the following conditions:

(i) That the accused-petitioner shall appear before the Investigating Officer on each and every date as required till completion of the investigation;

(ii) That the accused-petitioner shall not hamper or tamper with the investigation in any manner;

(iii) That the accused-petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the

case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

(iv) That the accused-petitioner shall not move out the jurisdiction of the Makum Police Station without permission of the Investigating Officer till the investigation are complete.

11. Accordingly, the bail application stands disposed of.

JUDGE

Comparing Assistant